

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM C. DALLAS, individually,
and on behalf of all similarly-situated
persons,

Case No. 09-14596
Hon. Nancy G. Edmunds

Plaintiffs,

v.

ALCATEL-LUCENT INC., a corporation,

Defendant.

**PLAINTIFFS' MEMORANDUM REGARDING REQUESTS FOR RECONSIDERATION BY
PLAINTIFFS**

Following the Court's approval of the plan of allocation, each of the plaintiffs were notified of the number of points to which they were entitled under that plan. Letters were mailed on June 8, 2013. The plaintiffs were notified that requests for reconsideration had to be received by Plaintiff's counsel on or before June 24, 2013.

Plaintiff's counsel received 21 requests for reconsideration along with supporting documentation. After careful consideration of the requests, additional points were allocated to 12 plaintiffs. The 21 plaintiffs were notified of the decision by letter dated July 1, 2013. In accordance with the Court's order, the decision letter also informed the plaintiffs that they could file written objections with the court which would be considered at the final fairness hearing on August 7, 2013. Of the nine individuals whose award remained the same, four objections were filed with the court. Each will be discussed below.

HARVEY ECHOLS – In his request for reconsideration, Mr. Echols asked to be given special consideration points as an original plaintiff, rather than as an opt-in. Original plaintiffs were those who returned retainer agreements to the firm and were included as named plaintiffs in the first amended complaint. The firm never received a retainer agreement from Mr. Echols. Instead he returned a consent in 2012 and thus joined the case as an opt-in plaintiff.

Plaintiffs' counsel carefully reviewed all materials provided by Mr. Echols. In addition, we used an IT consultant to search emails from 2010 and those of former employees of the firm to determine if an error had been made and Mr. Echols had actually provided a signed retainer agreement. In the end, we confirmed that Mr. Echols never sent a retainer agreement.

In his appeal, Mr. Echols does not dispute that he did not sign a retainer agreement. He, however, feels that he should be still be considered an original plaintiff because he was diligent and would have signed and returned the retainer if the firm had sent it to him. In essence, he seems to blame the firm for failing to communicate with him. However, we sent him a letter in November 2009 notifying him that the case had been filed. He then contacted the firm but never sent the retainer. (Exh 1)

Plaintiffs' counsel actually made an extra effort to contact Mr. Echols and others who had contacted the firm but had not returned questionnaires or retainers. We asked the union for assistance in following up with these individuals. (See Exh 2). Despite efforts by this firm and the union, Mr. Echols never sent a retainer agreement. Therefore, the points allocated to Mr. Echols are correct. He traveled to New Jersey to the transfer location before deciding to decline the PT. As a result, he was correctly slotted in Tier A and allocated 30

p:\clients\d\dallas, william 09-0536\fairness hearing- poa, settlement\pltf's memo re requests for recon by pltf's. 080213.docx

points. He received an additional 2 points for returning a questionnaire. Thus his request for reconsideration was denied.

RUDOLPH HOPKINS - In his request for reconsideration, Mr. Hopkins asked for special consideration because of the hardship he endured by accepted the permanent transfer and continuing to work until 2010 when he accepted a \$75,000 severance payment and retired. Mr. Hopkins was placed in Tier H because he received the severance. Individuals in that Tier received no points. However, Mr. Hopkins was awarded 30 points as an original plaintiff. As a result, he is receiving a monetary award.

Under the plan of allocation, plaintiffs who accepted the permanent transfer and remained with the company for a lengthy period of time until accepting a severance were awarded zero points. Mr. Hopkins does not dispute that he fits in that Tier; he is simply unhappy with the plan of allocation. Thus there is no basis for a change in points awarded.

RONALD JOHNSON - In his request for reconsideration, Mr. Johnson "wants the award to be equal with all other original plaintiffs" because he was involved in the case since the beginning. Plaintiffs' counsel did not change his award as the plan of allocation recognized that the plaintiffs had different factual scenarios and some were awarded more points than others. Mr. Johnson did receive the 30 points awarded to all original plaintiffs. Thus he was treated the same as other original plaintiffs. However, he did not travel to the transfer location and therefore is not entitled to be placed in Tier A. However, he was treated as all other plaintiffs and slotted in Tier B due to his limited inquiry into work at the transfer location.

In his objection to the court, Mr. Johnson now appears to object to the settlement amount and wants a 12% pension increase added. The parties negotiated the total

p:\clients\d\dallas, william 09-0536\fairness hearing- poa, settlement\pltf's memo re requests for recon by pltf's. 080213.docx

settlement amount which the court approved earlier. Plaintiffs' counsel felt that the settlement was a good result given the cost and time that would have been expended conducting the discovery and difficulties that Plaintiffs would face in proving the claim. Thus Mr. Johnson's objection should be denied.

DONALD MURNANE – In his request for reconsideration, Mr. Murnane asked Plaintiffs' counsel to modify the plan of allocation based on the merits of his individual age discrimination claim. As counsel explained, we are unable to change the tier structure or create new categories of special circumstances to provide Mr. Murnane with a larger monetary award. Mr. Murnane had made the same request in his objection to the court. He has not provided any information indicating that he was placed in the wrong tier or not provided special circumstances points to which he was entitled. Therefore, he received the correct award. His objection should be denied.

Therefore, Plaintiffs' request that the four objections be denied and the final allocation and distribution of settlement funds be approved.

Dated: August 2, 2013

By: s/ Beth M. Rivers P33614
brivers@pittlawpc.com
Megan A. Bonanni P52079
Michael L. Pitt P24429
Pitt McGehee Palmer Rivers & Golden, PC
Attorneys for Plaintiffs
117 W. Fourth Street, Suite 200
Royal Oak, Michigan 48067
(248) 398-9800

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for Defendant, John Houston Pope.

s/ Beth M. Rivers P33614
brivers@pittlawpc.com
Megan A. Bonanni P52079
Michael L. Pitt P24429
Pitt McGehee Palmer Rivers & Golden, PC
Attorneys for Plaintiffs
117 W. Fourth Street, Suite 200
Royal Oak, Michigan 48067
(248) 398-9800

EXHIBIT 1

PITT McGEHEE PALMER RIVERS & GOLDEN

117 W. Fourth Street, Suite 200

Royal Oak, MI 48067-3848

Tele: (248) 398-9800

Fax: (248) 398-9804

Fax: (248) 414-9271

www.pittlawpc.com

Michael L. Pitt

Cary S. McGehee

Peggy Goldberg Pitt

Robert W. Palmer

Beth M. Rivers

Joseph A. Golden

Megan A. Bonanni

Maureen M. Crane

Kevin M. Carlson

Cristy A. Drucker

Elaine Hesano

Legal Assistant

December 11, 2009

Re: Dallas et al v. Alcatel-Lucent, Case No. 09-14596

Greetings:

Thank you for contacting us regarding your participation in the pending age discrimination class action case. The case, known as the *Dallas* case, was filed on November 23, 2009 in United States District Court for the Eastern District of Michigan and assigned to the Honorable Bernard Friedman. The suit alleges that Alcatel-Lucent violated the Age Discrimination in Employment Act ("ADEA") by discriminating against its older installers when it devised a plan in effect from 2002 to 2004 to secure the resignations/retirements of older workers by forcing them into unwanted and unnecessary permanent transfers to undesirable locations hundreds or thousands of miles from their homes. If you resigned or retired between 2002 and 2004 under these circumstances, you may be "similarly situated" and eligible to participate as a plaintiff in this lawsuit. Mr. Dallas has selected the firm of Pitt, McGehee, Palmer, Rivers and Golden to represent him and all other similarly situated former Lucent installers.

The Firm's legal team consists of Michael Pitt, Beth Rivers and Cristy Drucker.

We are enclosing a copy of the Complaint, a proposed retainer agreement, a *Case Questionnaire* and an *Instruction sheet* which you should read carefully. Once you have read these documents thoroughly we encourage you to complete the questionnaire and send it to attorney Cristy Drucker at cdrucker@pittlawpc.com or fax it to her at (248) 398-9804. Cristy will contact you to conduct a detailed interview and to answer your questions. All the information on the questionnaire will be kept confidential. If you decide not to join the case, the information that you provided will be either destroyed or returned to you.

If we determine that there is merit to your case and you are in agreement with the terms of the proposed retainer agreement you will added to the case a plaintiff.

Page 2

There are a few general observations we would like to share with you for your consideration.

In order to receive an award you must first prove that Lucent selected you for the permanent transfer as part of its plan to eliminate its older installers. No matter what you think happened to you, you must be able to prove that the decisions which affected you were motivated, at least in part, by age bias. We will interview you and your former colleagues extensively and review the totality of the circumstances surrounding your situation and inform you if we think there is merit to your case.

If we can prove unlawful age bias, the court could award you all past and future economic losses (wages and benefits) arising from your wrongful termination. Reinstatement to employment with Lucent is a possible option but, in our experience, it is unlikely. Certain formulas are used to calculate economic losses. We will show you how to calculate your approximate losses after our initial interview with you.

If you join the case there are several procedural steps you will go through before your case is resolved. With our assistance, you should have no problem getting through the process.

1. You must answer, with our help, written questions called interrogatories submitted by Lucent. You will be required to describe all the facts supporting your case, what you have been doing since your resignation and/or retirement and, with our assistance, provide an assessment of your economic losses (lost wages and benefits).
2. You must give a deposition. An attorney for Lucent will question you under oath before a court reporter. The deposition location will probably be close to where you live. You will be prepared for your deposition by a member of the legal team. A member of the team will also be present during the deposition to protect your interests.
3. Your case will be reviewed by a judge before it goes to a jury. Lucent will file a motion to dismiss your case. The judge will determine if there are sufficient facts supporting your case. If he /she determines that there is insufficient evidence supporting your case, your case will be dismissed before it is reviewed by a jury. Employers, when faced with lawsuits like this one, typically try to have the case dismissed before it is presented to a jury.
4. You will be expected to assist us in the preparation for trial and to attend some or all of the trial days as directed.
5. You will be expected to periodically confer with us either in person or via telephone or through emails.
6. You will be required to pay for your own travel or incidental expenses as required for the successful prosecution of the case.
7. As the proposed retainer agreement indicates, once the court conditionally certifies the case as a class action, the attorneys will request that you, as part of the group, help finance the prosecution of the case.

Page 3

We have reviewed a portion of the Equal Employment Opportunity Commission file developed over the last 5 years and we are very encouraged by what we have seen so far. Local Union VP Michael Klein has worked very hard on your behalf so far and he is willing to continue to so. He is very committed to this case. We are prepared to put all of the Firm's resources behind this effort in order to achieve the best possible results for you and your colleagues. However, as in any type of litigation, a favorable outcome cannot be guaranteed.

Please return the completed questionnaire by DECEMBER 17, 2009. Cristy Drucker will then contact you to set up a time for a meeting or telephone interview.

We have scheduled a conference call for 1:00 p.m. on December 18, 2009. At that time we will introduce you to the members of our team, we will introduce you to the other installers who have joined the case and we will answer all of your questions. If you wish to participate in the conference call, contact Cristy for the call-in information.

Very truly yours,

Pitt McGehee Palmer Rivers & Golden

Cristy A. Drucker

MLP/BMR/CAD

Attachments: As indicated

Dallas et al v. Alcatel-Lucent
Contact List by State

12/2/2009

LAST NAME	FIRST NAME	TITLE	ADDRESS LIST 1	CITY	STATE	ZIP CODE	HOME PHONE	CELL PHONE
Clark	Kim	Mr.	5100 Four Mile Rd.	Bay City	MI	48706	(989) 671-0337	
Dallas	William	Mr.	37712 Sunnydale	Livonia	MI	48154	(734) 464-6330	
Davison	Duane	Mr.	10550 Clark Rd.	Davisburg	MI	48350	(248) 625-1693	
Davison	Wayne	Mr.	E3654 Old M-28 Hwy.	Au Train	MI	49806	(906) 892-8211	
Hopkins	Rudolph	Mr.	13843 Brush	Highland Park	MI	48203	(313) 883-4842	
Johnson	Ronald	Mr.	1431 Washington, #1106	Detroit	MI	48226	(313) 965-1123	
Ludwig	Gordon	Mr.	30239 Tecia	Warren	MI	48088	(586) 778-7292	
Presby	Michael	Mr.	9400 Kier Rd.	Holly	MI	48442	(248) 634-8312	
Schwartz	Richard	Mr.	37706 Santa Barbara	Clinton Twp.	MI	48036	(586) 465-3128	
Boes	William	Mr.	525 W. Milrose	Findlay	OH	45840	(419) 422-0093	
Capparelli	Jack	Mr.	7072 Clayback Dr.	Huber Heights	OH	45424	(937) 233-4460	
Levy	Dale	Mr.	3847 Eastway	South Euclid	OH	44118	(216) 397-0351	
Marshall	Daniel	Mr.	4960 E. 86 Street	Garfield Heights	OH	44125	(216) 429-0103	
Rimkus	David	Mr.	1905 Edith Marie Dr.	Beavercrest	OH	45431	(937) 426-9465	
Sadlik	Ronald	Mr.	4832 Homewood Dr.	Mentor	OH	44060	(440) 257-1693	
Sessler	Terry	Mr.	4238 Navajo Trail	Fairborn	OH	45324	(937) 675-6340	
Suter	Robert	Mr.	5630 Goodman Dr.	N. Royalton	OH	44133	(440) 237-1645	
Battle	Ronald	Mr.	14 Hickory St.	Dumont	NJ	07628	(201) 615-6017	
Ibach	Keith	Mr.	62 Riverside Ave.	Roebing	NJ	08554	(609) 499-1226	
Rambo, Jr.	Maurice	Mr.	11 Yale Ave.	Stratford	NJ	08084	(856) 783-0072	
Smentkowski	William	Mr.	12 Davison Rd.	East Windsor	NJ	08520	(609) 448-2955	
Thompson	George	Mr.	181 Jefferson Rd.	Sewell	NJ	08080	(856) 589-5950	
Dupree	Hubie	Mr.	6504 Haslett Dr. N.	Jacksonville	FL	32277	(904) 743-1981	
Kephart	Gerald	Mr.	2417 S. Indian River Dr.	Ft. Pierce	FL	34950	(772) 464-5797	
Stoney, Jr.	Leo	Mr.	5426 NW 54th Terrace	Gainesville	FL	32653	(352) 378-1496	
Wilkowsky	Robert	Mr.	2385 N.W. 195 Ave.	Pembroke Pines	FL	33029	(954) 431-6239	(954) 732-0778
Pemintel	Hugo	Mr.	240 San Ramon Way	Novato	CA	94945	(415) 897-5408	

Dallas et al v. Alcatel-Lucent
Contact List by State

LAST NAME	FIRST NAME	TITLE	ADDRESS LIST 1	CITY	STATE	ZIP CODE	HOME PHONE	CELL PHONE
Smith, Jr.	Lawrence	Mr.	35 Elmwood Cove	Jacksonville	TN	38305	(731) 660-1891	
Woodford	E. Don	Mr.	Rt. 1, Box 129	Des Arc	AR	72040	(501) 412-4359	
Howell, Jr.	Coy	Mr.	212 Unser Dr.	Chesapeake	VA	23322	(757) 482-4327	
Louder	Elmar	Mr.	3240 Wm. Styron Sq. N.	Newport News	VA	23606	(757) 591-0403	
Orrock	William	Mr.	1508 David Lane	Portsmouth	VA	23701	(757) 488-9078	
Bernzott	Michael	Mr.	37 Vidoni Dr.	Mt. Sinai	NY	11766	(631) 331-1947	
Carigliano	Frank	Mr.	210 Throgs Neck Blvd.	Bronx	NY	10465	(718) 792-2856	
Carlson	Paul	Mr.	27 Cedar Grove Ave.	L. Grove	NY	11756	(631) 981-1182	
Chen	Lai-Fong		5326 196th St.	Queens	NY	11365	(212) 290-5953	
Congimi	Nicholas	Mr.	65-12 Admiral Ave.	Middle Village	NY	11379	(716) 497-6516	
Connolly	Raymond	Mr.	P.O. Box 1281	E. Quogue	NY	11942	(631) 678-8590	
Fox	Frank	Mr.	329 North Rd.	Mahopac	NY	10541	(845) 628-6387 (914) 519-7398	
Geisler	Arthur	Mr.	28 Farrell St.	New Hyde Park	NY	11040	(516) 741-7981	
Giuliano	George	Mr.	8 Knight Laje	Suffolk	NY	11754	(631) 360-1737	
Korz	John	Mr.	41 Helen Dr.	Wappingers Falls	NY	12590	(845) 297-9713	
Lynch	Daniel	Mr.	409 Emory Rd.	Mineola	NY	11501	(516) 248-1686	
McKinley	John	Mr.	3 Park Lane	Mt. Vernon	NY	10552	(914) 667-1520	
Potternovage	Robert	Mr.	52 Lake Station Rd.	Warwick	NY	10990	(845) 469-4976	
Riegler	Joseph	Mr.	17 Sherry Lane	Hauptauge	NY	11788	(631) 724-4261	
Romaine	Leslie		17 Cypher Lane	Poughuang	NY	12570	(846) 221-5610	
Tedeschi	Francis	Mr.	P.O. Box 1451	Lake Grove	NY	11755	(646) 284-6882	
Cameron	Donald	Mr.	1156 N. Modoc Ave.	Medford	OR	97504	(541) 776-5894	
Dowell	John	Mr.	1841 Cascadia Cricle	Medford	OR	97504	(541) 301-2371	
Haddock	Jerry	Mr.	19536 Jennifer Lynn Ct.	Oregon City	OR	97045	(503) 723-0553	
Hogan	Larry	Mr.	1866 Thompson Creek Rd.	Applegate	OR	97530	(541) 846-6075	
Echols	Harvey	Mr.	365 Fenbrook Way	Marietta	GA	30064	(770) 426-9382	

[illegible]

**Dallas et al v. Alcatel-Lucent
Contact List by State**

EXHIBIT 2

Andrea Johnson

From: Michael Klein [mikecwa@sbcglobal.net]
Sent: Wednesday, January 20, 2010 11:04 AM
To: Cristy Drucker
Subject: RE: Dallas, et al. vs. Lucent

Thanks Cristy

I'll work on these and let you know.

Mike

--- On Tue, 1/19/10, Cristy Drucker <cdrucker@pittlawpc.com> wrote:

From: Cristy Drucker <cdrucker@pittlawpc.com>
Subject: RE: Dallas, et al. vs. Lucent
To: "Michael Klein" <mikecwa@sbcglobal.net>
Cc: "Michael Pitt" <mpitt@pittlawpc.com>, "Beth Rivers" <brivers@pittlawpc.com>
Date: Tuesday, January 19, 2010, 8:19 PM

Mike,

Good afternoon. The people in this attached spreadsheet either never contacted us at all after your letter or contacted us for information, but never returned a questionnaire.

Those who initially contacted us requesting further information, but who did not send back a questionnaire, were:

Patricia Brooks

George Buch

Donald Rueskens

Arthur Geisler

David Rimkus

Larry Hogan

Harvey Echols

Keith Ibach

John Dowell may never have received your initial letter. Don Cameron has informed me that email, jodo6516@yahoo.com, is the only way they know of to contact him.

I hope this is helpful.

Sincerely,

Cristy Drucker

Pitt McGehee Palmer Rivers & Golden

117 W. Fourth Street, Suite 200

Royal Oak, MI 48067-3848

(248) 398-9800

FAX: (248) 398-9804

cdrucker@pittlawpc.com



PMPRG is shifting to a "green culture" where we are embracing the fact that environmental responsibility is everyone's responsibility. To help, we are minimizing the printing of communications by sending them via electronic mail. We are committed to helping the environment as eliminating waste is always a net positive. If, however, you would like to have this communication sent to you by regular mail, just let us know and we will gladly accommodate your request. "Please consider the environment before printing this email."

THE INFORMATION CONTAINED IN THIS EMAIL MAY BE CONFIDENTIAL AND MAY ALSO BE SUBJECT TO THE ATTORNEY- CLIENT PRIVILEGE OR MAY CONSTITUTE PRIVILEGED WORK PRODUCT. This information is intended only for the use of the individual or intended recipient, or the agent or employee responsible for delivering it to the intended recipient. You are hereby notified that any use, dissemination, distribution or copying of this communication may be subject to legal restrictions and/or sanctions. If you have received this e-mail in error, please notify us immediately by telephone to arrange for return or destruction of the information and all copies. Thank you.

From: Michael Klein [<mailto:mikecwa@sbcglobal.net>]

Sent: Tuesday, January 19, 2010 2:07 PM

To: Cristy Drucker

Subject: Re: Dallas, et al. vs. Lucent

Thanks Cristy

Michael and I spoke and I suggested that if we had a list of those who have not responded to the original letter, I would see if I could make contact with them. If you email me what information you have on this I'll get to work on it.

Thanks again for your work,

Mike

--- On Fri, 1/15/10, Cristy Drucker <cdrucker@pittlawpc.com> wrote:

From: Cristy Drucker <cdrucker@pittlawpc.com>
Subject: Dallas, et al. vs. Lucent
To: "mikecwa@sbcglobal.net" <mikecwa@sbcglobal.net>
Date: Friday, January 15, 2010, 8:26 PM

Dear Mr. Klein,

Please find a copy of the filed First Amended Complaint and the informational letter we are sending to our clients.

Michael Pitt mentioned you would be calling me to discuss potential plaintiffs who had not joined the case, I look forward to speaking with you at your convenience.

Sincerely,

Cristy Drucker

Pitt McGehee Palmer Rivers & Golden

117 W. Fourth Street, Suite 200

Royal Oak, MI 48067-3848